

REMARKS

Claims 1-47 are pending in the present application. The Examiner has rejected claims 1-47.

**Claims Rejections Under 35 USC § 103**

The Examiner has rejected claims 1-47 under 35 U.S.C. 103(a) as being unpatentable over Hayward et al. (U.S. 5,574,828).

*As per claim 1, Hayward et al. discloses a method for assisting a user in a process of decision-making or analysis involving a topic, with the aid of a computer and a display screen in association with the computer, comprising:*

*(a) establishing an algorithm and entering the algorithm into a computer (col. 5, lines 10-13; col. 10, lines 51-52; col. 12, lines 27-35; Figure 17; The system uses algorithms for determining the logic behind the questionnaires.);*

*(b) displaying a screen set having information concerning the topic (col. 13, lines 46-48; col. 14, lines 12-21 and 28-35; Figures 24-27; Graphical windows are displayed to users. The windows may include informational data.);*

*(c) displaying a screen set soliciting a set of input data for input by the user, and inputting said set of input data (col. 10, lines 49-51; col. 14, lines 18-21; Figures 24-27; Users are asked to answer questions.);*

*(d) determining a current recommendation generated incrementally by processing the input data through at least a portion of the algorithm (col. 3, lines 55-64; col. 7, lines 34-40; col. 7, line 61-col. 8, line 2; col. 12, lines 27-35; Recommendation are determined based on the input received from a user, where the input is received incrementally by asking the user subsequent questions based on answers to previous questions.);*

*[sic] (f) displaying a screen set soliciting additional input data and for modifying previous input data as desired, the contents of said screen set dependent on and being determined by step (d), and inputting said additional input data and/or modified previous input data (col. 3, lines 31-36 and 50-54; col. 12, lines 21-33; col. 14, lines 18-21; Figures 24-26; Users can go back and forth through the health questionnaire interface*

*to provide additional input or change previous answers in the health questionnaire. Figures 24-26 merely represent exemplary screen sets of a hand-held device that allow a user to modify previous input data, the use of the hand-held device being described in col. 14, lines 12-27. The algorithm editor discloses how the questions are used to elicit certain information for particular guidelines/recommendations. Therefore, the questions displayed on the screen to the user are dependent on the rules/algorithms of the guideline and the recommendation is dependent on the answers to the questions.);*

*(g) repeating steps (d), (e) and (f) as desired (col. 14, lines 18-21; Figures 24-26; Users can go back and forth through the interface to provide additional input or change previous answers. See "Back Up" buttons in the interfaces.); and*

*(h) displaying a screen set showing the current recommendation or analysis (col. 10, lines 52-55; col. 13, lines 23-36; Recommendations are displayed to the user conducting the questionnaire.).*

Applicant respectfully disagrees. Applicant has amended independent claims 1, 45, and 46 to add limitations that further distinguish these independent claims from the cited art. For example, as the Examiner notes in his "Response to Arguments" in the instant action, the prior claims did not preclude a second application from performing the method steps. Applicant has amended the claims to indicate that the steps are being performed by an application on the computer. Thus, a system such as Hayward that requires a second application to operate does not anticipate, teach, or suggest the present claimed methods.

Further, the system provides a current recommendation during the iterative process of inputting and processing input data through only a portion of the algorithm. This current recommendation that is displayed to the user provides information so that the user can decide if modification or addition of the information is needed. It also allows the user to iteratively make changes to the input parameters and instantly see what the results will be without progressing all the way through the algorithm. If the user is satisfied, the user can stop and accept the current recommendation as the final recommendation.

Applicant disputes a characterization of the Hayward reference by the Examiner. The Examiner contends that column 10, lines 52-55 teach displaying a screen set showing the current recommendation or analysis. This section of Hayward states as follows: "Fourth, Feedback Editor tools are used to prepare messages for clinicians and/or patients that will appear on printouts generated by the application program." (Column 10 lines, 52-55). This step merely describes the ability of certain tools of Hayward to generate messages that will appear in applications that may be created using the system of Hayward. These messages are not based on a current state of the input in the builder application but are static text files to be called or displayed in a second application.

Further, the Examiner states: "Hayward does not expressly disclose making the current recommendation optionally available to be displayed as desired by the user. However, Examiner takes Offices Notice that is old and well known in the art of survey/questionnaire administration to display the outcome of the survey/questionnaire based on the desire of the user taking the survey/questionnaire. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Hayward to make the current recommendation optionally available to be displayed as desired by the user because doing so allows the user to decide for themselves whether or not they want to view the current recommendation or go back and alter any previously submitted answers which may affect the outcome of the current recommendation, thereby providing a flexible, user-friendly questionnaire interface."

The Examiner is correct that Hayward does not expressly disclose this feature of the invention. However, the Examiner is not correct that it is old and well known to display the outcome of a survey/questionnaire. Decision trees such as described in Hayward are static in nature and have a number of predefined endpoints. It is not meaningful to stop part way through the process and expect any intermediate result (other than indicating that the data entry is incomplete). By contrast, the invention uses a truly iterative approach and is able to provide a current recommendation based on the

current state of input at any time. Applicant respectfully requests that the Examiner provide actual teaching instead of mere official notice.

Applicant contends that the cited art does not teach, describe, or suggest the invention of independent claims 1, 45, and 46.

*Claims 45-47 recite substantially similar subject matter to claims 1-29, 31, 32, 35, 36, 40-44 above. Therefore claims 45-47 are rejected on the same basis as claims 1-29, 31, 32, 35, 36, 40-44 above.*

*Additionally, with regard to claim 45, Hayward further discloses making input and context sensitive information available to assist the user in inputting the input data (col. 10, lines 22-23 and 39-40; col. 14, lines 8-10; The system includes a Help feature that provides users with context-sensitive information to help them interact with the system.).*

For the reasons stated above, Applicant contends that the cited art does not teach, describe, or suggest the invention of independent claims 1, 45, and 46.

With respect to the dependent claims, they add additional distinguishing features over the cited art. In addition, they are dependent on allowable base claims and are themselves allowable.

In view of the above amendments and remarks, applicants respectfully request that this application be reexamined and that the claims, as amended, be allowed.

**Applicants also file concurrently herewith a CHANGE OF CORRESPONDENCE ADDRESS, and respectfully request that the Examiner forward future correspondence regarding this application to the undersigned.**

Please charge any fees that may be due for the filing of this AMENDMENT or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

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